IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 935 of 2003 (M/B)

Ajeem Khan S/o Sri Mehboob Shah Khan,
R/o Gularghati, Ramnagar,
Tehsil Ramnagar, District Nainital.
Shopkeeper Sneh Tailors,
Banwari Market, Ramnagar,
District Nainital. ..... Petitioner

Versus

1. State of Uttaranchal,
   through Collector, Nainital.
2. Tehsildar / Peshkar,
   Ramnagar, District Nainital.
3. Nainital Almora Regional Rural Bank,
   through Branch manager, Ramnagar,
   District Nainital. ..... Respondents

Mr. P.C. Bisht, Advocate for the petitioner.
Mr. J.P. Joshi, Addl. Chief Standing Counsel for respondents Nos. 1 and 2.
Mr. K.K. Shah, Advocate for respondent No. 3.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. M.M. Ghildiyal, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. P.C. Bisht, Advocate for the petitioner.

Mr. J.P. Joshi, Addl. Chief Standing Counsel for respondents Nos. 1 and 2.

Mr. K.K. Shah, Advocate for respondent No. 3.

2. On 08.10.2003, following order was passed in the writ petition:

> "List the matter on 8.12.2003 first on board in Urgent matters.
>
> In this petition, we are directing the petitioner to deposit Rs. 20,000/- (Rupees Twenty Thousand only) on or before 6.12.2003. If the petitioner deposits Rs. 20,000/- by the appointed dated, we will consider stay of the recovery. However, if the amount is not deposited by 6.12.2003, we are not inclined to interfere in the writ petition.
>
> The above order is passed in order to check the *bona fides* of the petitioner.

List the matter on the above date for urgent admission on daily board."

3. The learned counsel for the petitioner is not in a position to make a positive statement that the petitioner has deposited the amount of Rs. 20,000/- (Rupees Twenty Thousand only) within the stipulated period.

4. In this view of the matter, we are left with no other option, but to dismiss the writ petition in view of the order dated 08.10.2003.

5. The writ petition, therefore, is dismissed.

(M.M. Ghilddiyal, J.) **(Rajeev Gupta, C.J.)**
12.05.2006 **12.05.2006**

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